

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-7661

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

FLOYD RAYMOND LOOKER, a/k/a Ray,

Defendant - Appellant.

Appeal from the United States District Court for the Northern
District of West Virginia, at Wheeling. Frederick P. Stamp, Jr.,
District Judge. (CR-96-40, CA-99-133-5)

No. 02-7662

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

FLOYD RAYMOND LOOKER, a/k/a Ray,

Defendant - Appellant.

No. 02-7663

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

FLOYD RAYMOND LOOKER, a/k/a Ray,

Defendant - Appellant.

No. 02-7664

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

FLOYD RAYMOND LOOKER, a/k/a Ray,

Defendant - Appellant.

Appeals from the United States District Court for the Northern District of West Virginia, at Clarksburg. Frederick P. Stamp, Jr., District Judge. (CR-96-41, CA-99-178-1, CR-96-42, CA-99-180-1, CR-96-43, CA-99-181-1)

Submitted: March 6, 2003

Decided: March 21, 2003

Before NIEMEYER, MOTZ, and GREGORY, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Floyd Raymond Looker, Appellant Pro Se. Sherry L. Muncy, OFFICE OF
THE UNITED STATES ATTORNEY, Clarksburg, West Virginia, for
Appellee.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Floyd Raymond Looker seeks to appeal the district court's orders accepting the recommendation of the magistrate judge and denying relief on his petitions filed under 28 U.S.C. § 2255 (2000). An appeal may not be taken to this court from the final order in a habeas corpus proceeding unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2000). A certificate of appealability will not issue for claims addressed by the district court on the merits absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c) (2) (2000); see Miller-El v. Cockrell, ___ U.S. ___, 2003 WL 431659, *10 (U.S. Feb. 25, 2003) (No. 01-7662). As to claims dismissed by a district court solely on procedural grounds, a certificate of appealability will not issue unless the petitioner can demonstrate both "(1) 'that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and (2) 'that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.'" Rose v. Lee, 252 F.3d 676, 684 (4th Cir. 2001) (quoting Slack v. McDaniel, 529 U.S. 473, 484 (2000)), cert. denied, 122 S. Ct. 318 (2001). We have independently reviewed the record and conclude that Looker has not satisfied either standard. Accordingly, we deny a certificate of appealability in each appeal and dismiss the appeals. We dispense with oral argument because

the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED